

REMARKS

The final Office Action mailed April 19, 2010, has been reviewed and the following remarks are responsive thereto. Claims 54-74 have been added. No new matter has been introduced. Upon entry of this paper, claims 30-74 are pending in this application. Reconsideration and allowance are respectfully requested.

Double Patenting Rejections

Claims 30, 36, 42 and 48 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 26 of co-pending Application No. 10/261,931 in view of U.S. Patent No. 5,155,591 to Wachob and U.S. Patent No. 4,775,935 to Yourick. Claims 1 and 26 of co-pending Application No. 10/261,931 have been amended in the Amendment dated on June 2, 2010. Applicants submit this obviates the nonstatutory obviousness-type double patenting rejection, because claims 30, 36, 42 and 48 of the instant application are patentably distinct from amended claims 1 and 26 of co-pending Application No. 10/261,931. Thus, for at least this reason, claims 30, 36, 42 and 48 patentably distinguish over the cited documents and are in condition for allowance.

Claims 31-35, 37-41, 43-47, and 49-53 depend from one of claims 30, 36, 42 and 48, and are distinguishable over the cited documents for at least the same reasons as their base claims, and further in view of the various novel and non-obvious features recited therein.

New Claims

New claims 54-74 have been added. Support for these new claims can be found throughout the originally filed specification, claims and figures, and at least at page 54, ll. 19-33. Although these claims have not been rejected, Applicants provide the following remarks in support of these claims.

As stated on page 16 of the Office Action dated November 6, 2009:

Application No. 10/724,123
Reply to Office Action of April 19, 2010

13. The following is a statement of reasons for the indication of allowable subject matter: The examiner found no instances in the prior art where the targeting of advertisements took place by analyzing currently watched programming prior to applicant's priority date of December 2, 1993.

Office Action dated November 6, 2009, page 16.

Thus, Applicants submit that claims 54-74 are distinguishable by virtue of the common language appearing in the claims.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3317.

Respectfully submitted,

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